

•
•
•
•
•
•
•
•
•
•
•
•

Challenges within Federal NSR Rule Changes



NSR Retooling Team

September 17, 2003

Jeff Hanson

• • • • • • • • • •

-
-
-

Federal Changes

- Focus on December 31, 2002 changes
- Primary Topics
 - PALs
 - Clean Units
 - Pollution Control Projects
 - Applicability Test

•
•
•

Where they go?

- Federal Rule Language for PSD SIP Programs mostly in 51.166
- Currently WI PSD SIP program in NR 405
- Materials for Discussion Merge both regulations
- Much of the language in merger still Federal - Will convert to State as we go

-
-
-

What you see

- Language that has been added
- Underline font
- Language that has been deleted
- Strike-out font
- Reference
- [Federal Citations]

•
•
•

Bottom Line Issues

- Include Primary Federal Components
- Administrative Flexibility
- Certainty
- Consistency
- Clear
- Protective of Air Quality

•
•
•

Challenges

- Portions of the regulation may be unclear or require detail.
- Portions of the regulation may present challenges with meeting bottom line issues
- These areas have been highlighted throughout the merged rule text

•
•
•

Primary Sections Effected

- Definitions (405.02)
- Source Obligation (405.16)
- Additions
 - Clean Units (405.18 and 405.19)
 - PCPs (405.20)
 - PALs (405.21)

•
•
•

Low Hanging Fruit?

- Pollution Control Projects
 - Notice and go (405.20(4) and 405.02(24m))
 - Emission Reduction Credits and PCPs (405.20(6)(iv))
 - Environmental Beneficial Test for non-listed projects (405.20(2))

•
•
•

Higher in the Tree

- Clean Units
 - Pollutant Specific Designation (405.18(3))
 - Length of Clean Unit designation (405.18(1))
 - Retroactive designations (405.18(3))
 - Investment Required (405.18(3)(b))
 - Netting Emission reductions (405.18(8))
 - Redesignation effects on Clean Unit (405.18(9))
 - Comparable to BACT/LAER (405.19(4))
 - Emission reduction credits (405.18(8))

-
-
-

Higher Still

- PALs
 - Pollutant Specific (405.21(4)(i)(e) and (6))
 - Emissions Baseline for Setting (405.21(2)(i))
 - Addition of new units (405.21(6))
 - Length of PAL (405.21(2)(vii))
 - Relaxation of past avoidance limits (405.21(1))
 - PAL renewal and expiration (405.21(10) and (9))
 - Increasing the PAL (405.21(11))
 - Monitoring PAL Requirements (405.21(12))
 - Ambient air quality effects of PAL projects?

-
-
-

Top of the Tree?

- Applicability Test
 - Baseline Actual Emissions (405.02(2m))
 - Representative Period (405.02(i)(a))
 - Startup, shut down malfunction (405.02(2m))
 - Look back period (405.02(2m)(i)(a)(ii))
 - Different pollutants (405.02(2m)(ii)(d))
 - New Units (405.02(2m)(iii))

•
•
•

Top of the Tree?

- Projected Actual Emissions
 - Projection period (405.02(25f)(i))
 - Startup, shut down malfunction (405.02(25f)(ii)(b))
 - Could have accommodated (405.02(25f)(ii)(c))
 - Reasonable possibility of increase (405.16(3))
 - Monitoring projection (405.16(3)(iii))
 - What is a project (405.02(25e))

-
-
-

Other Challenges?